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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT**

THE PEOPLE,

Plaintiff and Respondent,

v.

LOUIS GENE HARRIS, JR.,

Defendant and Appellant.

F068879

(Kings Super. Ct. Nos. 12CM2391 &
13CM3299)

OPINION

THE COURT*

APPEAL from a judgment of the Superior Court of Kings County. Robert S. Burns, Judge.

William D. Farber, under appointment by the Court of Appeal, for Defendant and Appellant.

Office of the Attorney General, Sacramento, California, for Plaintiff and Respondent.

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* Before Levy, Acting P.J., Poochigian, J. and Peña, J.

INTRODUCTION

Appellant/defendant Louis Gene Harris was charged with multiple felonies as a result of two domestic violence cases. He entered into a negotiated disposition and was sentenced to four years. On appeal, his appellate counsel has filed a brief that summarizes the facts with citations to the record, raises no issues, and asks this court to independently review the record. (*People v. Wende* (1979) 25 Cal.3d 436 (*Wende*).) We affirm.

FACTUAL AND PROCEDURAL HISTORY

Case No. 12CM2391

On or about July 7, 2012, defendant willfully and unlawfully used force upon Yolanda W. (Yolanda), his girlfriend.

On July 9, 2012, complaint No. 12CM2391 was filed in the Superior Court of Kings County which charged defendant with count I, misdemeanor use of force and violence on Yolanda, a cohabitant (Pen. Code, § 243, subd. (e)(1)).¹ On the same day, the court issued a protective order for defendant to stay away from Yolanda.

On July 13, 2012, defendant pleaded no contest. The court placed defendant on formal probation for three years under various terms and conditions, including enrollment in and completion of a domestic violence batterer's program. The court also terminated the protective order.

Case No. 13CM3299

On August 20, 2013, defendant was at the residence of K.W. (not the same victim as in case No. 12CM2391). Defendant and K.W. had children together. They started arguing about money, and defendant hit K.W. in the eye, which resulted in swelling, redness, and a traumatic condition.

¹ All further statutory citations are to the Penal Code unless otherwise indicated.

On August 22, 2013, a complaint was filed in case No. 13CM3299, charging defendant with count I, robbery (§ 211); count II, corporal injury on a spouse or cohabitant (§ 273.5, subd. (a)); count III, witness intimidation by force or threat of force (§ 136.1, subd. (c)(1)); count IV, vandalism (§ 594, subd. (a)); and misdemeanor destruction of a wireless communication device (§ 591.5). It was further alleged defendant had two prior strikes and served one prior prison term.

Plea and Sentence

On November 4, 2013, a first amended felony complaint was filed in case No. 13CM3299, which was identical to the complaint except for count II, which alleged corporal injury on a spouse or cohabitant, with the special allegation of a prior misdemeanor spousal abuse conviction (case No. 12CM2391) within the past seven years (§ 273.5, subds. (a), (e)). It also amended the special allegations to one prior strike conviction and one prior prison term enhancement.

Thereafter, defendant entered into a negotiated disposition and pleaded no contest to count II and admitted the prior misdemeanor spousal abuse allegation, with a stipulated midterm of four years. Defendant also admitted he violated probation in case No. 12CM2391, based on his plea in the current case. The court dismissed the other charges and allegations, and an unrelated case.

On December 19, 2013, the court sentenced defendant to the midterm of four years for count II in case No. 13CM3299. The court terminated probation in case No. 12CM2391 and sentenced defendant to a concurrent term of 365 days in county jail.

On February 6, 2014, defendant filed a timely notice of appeal. His request for a certificate of probable cause was denied.

DISCUSSION

As noted above, defendant's counsel has filed a *Wende* brief with this court. The brief also includes the declaration of appellate counsel indicating that defendant was

advised he could file his own brief with this court. By letter on April 15, 2014, we invited defendant to submit additional briefing. To date, he has not done so.

After independent review of the record, we find that no reasonably arguable factual or legal issues exist.

DISPOSITION

The judgment is affirmed.